

**INDEPENDENT COMPUTER MAINTENANCE LLC**

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July 23, 2007

Letter of Appeal
Federal Communications Commission
Office of the Secretary
445 - 12th Street, S.W.
Washington, DC 20554

DOCKET FILE COPY ORIGINAL**RECEIVED & INSPECTED**

JUL 30 2007

FCC - MAIL ROOM**REQUEST FOR REVIEW**

Re: APPEAL OF (1) REVISED COMMITMENT ADJUSTMENT LETTER AND (2) SUBSEQUENT DENIAL OF THE APPEAL OF THAT REVISED COMMITMENT ADJUSTMENT LETTER BY THE ADMINISTRATOR OF THE SCHOOLS AND LIBRARIES DIVISION
CC DOCKET NO. 02-6
FUNDING YEAR: 2002-/2003
SPIN: 143026575
FORM 471 APPLICATION NUMBER: 310917
FUNDING REQUEST: 809405
APPLICANT NAME: Al-Ghazaly Elementary School
APPLICANT CONTACT: Ashraf Eisa
BILLED ENTITY NAME: Al-Ghazaly Elementary School
BILLED ENTITY NUMBER: 208838 (incorrectly cited in Administrator's Decision as 223454)
BILLED ENTITY AND APPLICANT CONTACT PHONE NO.: (973) 785-2300
SERVICE PROVIDER: Independent Computer Maintenance, LLC
SERVICE PROVIDER IDENTIFICATION NO.: 143026575
SERVICE PROVIDER CONTACT PERSON: Anthony Natoli
SERVICE PROVIDER CONTACT PHONE NO.: (973) 916-1800
SERVICE PROVIDER FAX NO.: (973) 916-1986
SERVICE PROVIDER E-MAIL: TONYN@ICM CORPORATION.COM

Enclosure A: Copy of Administrator's Decision on Appeal - Funding Year 2002-2003 for the Al-Ghazaly Elementary School FRN 809405 dated July 5, 2007.

Enclosure B: Copy of Revised Funding Commitment Decision Letter from Universal Service Administration Company dated February 21, 2007.

Enclosure C: Copy of ICM's Letter of Appeal to the USAC dated on April 9, 2007 (without Enclosures).

Enclosure D: Copy of ICM's Letter of Appeal to the FCC dated April 25, 2005 (without enclosures).

Enclosure E: Copy of FCC Proceeding Number FCC06-55, May 19, 2006 and Order under CC Docket No. 02-6 adopted May 2, 2006 and released May 19, 2006.

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Gentlemen:

NOTICE OF APPEAL

Please accept this letter and its enclosures as Independent Computer Maintenance, LLC's ("ICM") appeal of the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") Administrator's Decision on Appeal – Funding Year 2002-2003, dated July 5, 2007. Said decision denied in full ICM's appeal dated April 9, 2007 of USAC's Revised Commitment Adjustment Letter, which Revised Commitment Adjustment Letter rescinded in full, among others, Funding Request Number ("FRN") 809405 for the Al-Ghazaly Elementary School. A copy of USAC's Administrator's Decision on Appeal – Funding Year 2002-2003, dated July 5, 2007, is annexed hereto as Enclosure A. A copy of the Revised Funding Commitment Decision Letter from USAC dated February 21, 2007 is annexed hereto as Enclosure B. A copy of ICM's Appeal to the USAC dated April 9, 2007, without enclosures, is annexed hereto as Enclosure C.

FACTS

By Commitment Adjustment Letter dated July 29, 2004, the USAC "rescinded in full" FRN 809405 because there was an indication that "the vendor was improperly involved in the competitive bidding process". ICM appealed that decision to the USAC Administrator, who denied ICM's appeal and on April 25, 2005, ICM appealed that denial to the Federal Communications Commission ("FCC"). A copy of ICM's appeal (without Enclosures) is annexed hereto as Exhibit D.

On May 2, 2006 the FCC adopted in Proceeding Number FCC-06-55, which it released on May 19, 2006, an Order under CC Docket No. 02-6, granting the appeal of ICM (with respect to a number of ICM Applications including Application 310917 relating to FRN 809405) and 29 other entities. This Order found that the "USAC denied the requests for funding without sufficiently determining that the service providers improperly participated in the applicant's bidding process." (Page 3 ¶6 of the Order). It further ordered the USAC to "Complete its review of each remanded application (and issue an award or a denial based on a complete review and analysis) listed in the Appendix no later than 120 days from the release of this Order." (Page 4 ¶7 of the Order). Application 310917 with contained FRN 809405 was listed in the Appendix. (See pages 6 and 7). A copy of the FCC's Order is annexed hereto as Enclosure E. The USAC, in violation of the FCC Order, failed to "issue an award or a denial based on a complete review and analysis" with respect to Application 310917, within 120 days from the issuance of the FCC Order.

By Revised Funding Commitment Decision Letter dated February 21, 2007 referencing the above referenced Form 471 Application Numbers and SPIN, the USAC advised ICM of its

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decision to reduce the Funding Commitments to \$0 for a number of Funding Request Numbers ("FRN") including FRN 809405 for the Al-Ghazaly Elementary School. The Revised Funding Commitment Decision Explanation given for the denial with respect to FRN 809405 for the Al-Ghazaly Elementary School was "Documents among applicants using this service provider indicates inappropriate service provider involvement in the competitive bidding process."

By Letter dated April 9, 2007, ICM appealed that Revised Funding Commitment Decision to the SLD and by letter dated July 5, 2007 USAC issued its Administrator's Decision of Appeal – Funding Year 2002-2003.

The Administrator's Decision of Appeal – Funding Year 2002-2003 dated July 5, 2007 cites the following reasons for its rejection of ICM's appeal:

"Upon through review of the appeal letter and the relevant documentation, USAC has determined that New Visions Academy failed to respond to the Program Integrity Assurance (PIA) inquiries in a timely manner. PIA made initial contact with Kathy Green, the applicant's authorized contact on June 9, 2006 and on several occasions throughout the month of June via phone and fax and asked for information regarding the vendor. The applicant was instructed that the request was time sensitive and that a response was expected within seven calendar days. USAC's records shows several attempts to contact over the summer with no response. No information was given to USAC from the school regarding a change in contact. USAC contacted again on September 15, 2006, requesting the same information. As this information was not forthcoming, USAC was unable to determine if your funding request was in compliance with Program Rules. Therefore, the funding request was denied. On appeal, you have failed to provide any evidence that USAC erred in its initial determination or that the New Visions Academy responded to USAC's requests for additional documentation in a timely manner. Consequently, your appeal is denied." (Emphasis added).

"During the review for your Form 471, SLD sought additional information from you and notified you that this information needed to be provided within 7 days. You did not provide this information within 7 days or within any extended timeframe we agreed upon, or the information that you provided was insufficient to complete your Form 471 application. Consequently, SLD denies your appeal."

ARGUMENT

The Administrators Decision on Appeal is defective on its face and evidences the total lack of good faith and fair dealing the USAC has shown in dealing with ICM.

The Administrator's Decision deals with FRN 809405 for the Al-Ghazaly Elementary School and yet absurdly the USAC justifies and bases its denial on the fact that it received no response from the New Visions Academy, which to ICM's knowledge has no connection to the Al-Ghazaly Elementary School. Furthermore, USAC's decision states that USAC contacted Kathy Green, who to ICM's knowledge was at one time associated with the New Visions Academy and not the Al-Ghazaly Elementary School.

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Additionally, I categorically deny that anyone from the USAC ever contacted me for any information or documents concerning FRN 809405, any time subsequent to the time ICM provided the goods and services to the Al-Ghazaly Elementary School in 200?? At all times, I have been the president of ICM and the designated contact point for USAC. I have also made a good faith inquiry of my fellow employees and no one has been able to recall any such contact. ICM is ready to provide affidavits to that effect.

This mindless and thoughtless decision along with the totally baseless and unsupported allegations concerning some perceived impropriety in the application process, with which ICM had no relationship to whatsoever (ICM replaced the prior provider well after the application process) are just being utilized by the USAC to deny ICM its just compensation for goods and services rendered more than three years ago.

Furthermore, as set forth in the Fact section above, the FCC on May 2, 2006 adopted in Proceeding FCC-06-05, which it released on May 19, 2006, an Order under CC Docket No. 02-6, granting the appeal of ICM (with respect to a number of ICM Applications including Application 310917 relating to FRN 809405); finding that the "USAC denied the requests for funding without sufficiently determining that the service providers improperly participated in the applicant's bidding process." (Page 3 ¶6 of the Order). It further ordered the USAC to "Complete its review of each remanded application (and issue an award or a denial based on a complete review and analysis) listed in the Appendix no later than 120 days from the release of this Order." (Page 4 ¶7 of the Order). Application 310917 with contained FRN 809405 was listed in the Appendix. (See page 6).

The USAC, in violation of the FCC Order, has failed to "issue an award or a denial based on a complete review and analysis" with respect to Application 310917, within 120 days from the issuance of the FCC Order. At this late date, the USAC is barred by the terms of the FCC Order and estoppel from raising this alleged "improper" procurement issue concerning the FRN 809405.

CONCLUSION

For the reasons set forth above, ICM hereby requests that the decision to reduce the Funding Commitments to \$0 for FRN 809405 be reversed and a new Revised Funding Commitment Decision Letter be issued reinstating the full funding commitments.

Additionally, since the USAC has failed to comply with the FCC Order under FCC Docket No. 02-6 within the time frame provided therein for all the other FRNs under which ICM provided services, ICM hereby requests that the FCC issue an order directing the USAC to reinstate the full funding commitments for all of those FRNs.

ICM is a small business and the non payment by the USAC of ICM's bona fide invoices for goods and services rendered more than three years ago is creating a great hardship for both the company and its employees. ICM would like to resolve these matters as soon as possible and toward that end hereby requests as an alternative solution that the FCC intercede in these matters

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and appoint a mediator or other party to help in the resolution of these matters. This series of questionable, unsupported and unjustified determinations by the USAC, in violation of the FCC Order, and subsequent appeals by ICM is not making any headway in resolving these matters. Any assistance by your office would be greatly appreciated.

If you have any further questions concerning this matter, please contact the undersigned or our Counsel, Gary Marcus of the law firm, Gary Marcus, Attorney at Law, P.C. 600 Old Country Road, Garden City, NY 11530. (516) 301-7776.

Thank you for giving this your immediate attention.

Very truly yours,

Independent Computer Maintenance, LLC

By



Anthony Natoli, President

cc: Al-Ghazaly Elementary School

Enclosure

A



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal
Funding Year 2002-2003

July 5, 2007

Anthony Natoli
Independent Computer Maintenance, LLC
1037 Route 46 East, Suite C-102
Clifton, NJ 07013

Re: Applicant Name: Al -Ghazaly Elementary School
 Billed Entity Number: 223454
 Form 471 Application Number: 310917
 Funding Request Number(s): 809405
 Your Correspondence Dated: April 9, 2007

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2002-2003 Revised Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number: 809405
Decision on Appeal: **Denied in full**
Explanation:

- Upon thorough review of the appeal letter and the relevant documentation, USAC has determined that New Visions Academy failed to respond to the Program Integrity Assurance (PIA) inquiries in a timely manner. PIA made initial contact with Kathy Green, the applicant's authorized contact on June 9, 2006 and on several occasions throughout the month of June via phone and fax and asked for information regarding the vendor. The applicant was instructed that the request was time sensitive and that a response was expected within seven calendar days. USAC's records shows several attempts to contact over the summer with no response. No information was given to USAC from the school regarding a change in contact. USAC contacted again on September 15, 2006, requesting the same information. As this information was not

forthcoming, USAC was unable to determine if your funding request was in compliance with Program Rules. Therefore, the funding request was denied. On appeal, you have failed to provide any evidence that USAC erred in its initial determination or that the New Visions Academy responded to USAC's requests for additional documentation in a timely manner. Consequently, your appeal is denied.

- SLD reviews Form 471 applications and makes funding commitment decisions in compliance with FCC rules. *See* 47 C.F.R. § 54.500 *et. seq.* To conduct these reviews, SLD has put in place administrative measures to ensure the prompt resolution of applications. *See Request for Review by Marshall County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd. 4520, DA 03-764, ¶ 6 (rel. Mar. 13, 2003). (*Marshall County*) One such measure is that applicants are required to respond to SLD's requests for the additional information necessary to complete their application within 7 days of being contacted. *Id.*; SLD section of the USAC web site, Reference Area, "Deadline for Information Requests," www.sl.universalservice.org/reference/deadline.asp This procedure is necessary to prevent undue delays during the application review process. *See Marshall County* ¶ 6. If applicants do not respond within this time period, SLD reviews the application based on the information before it.
- During the review of your Form 471, SLD sought additional information from you and notified you that this information needed to be provided within 7 days. You did not provide this information within 7 days or within any extended timeframe we agreed upon, or the information that you provided was insufficient to complete your Form 471 application. Consequently, SLD denies your appeal.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the Federal Communications Commission (FCC). For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Kathy Green
Al –Ghazaly Elementary School
739 South 20th Street
Newark, NJ 07103

Enclosure B



Universal Service Administrative Company
Schools & Libraries Division

REVISED FUNDING COMMITMENT DECISION LETTER
(Funding Year 2002: 07/01/2002 - 06/30/2003)

February 21, 2007

Anthony Natoli
Independent Computer Maintenance, LLC
1037 Route 46 East
Clifton, NJ 07013

SPIN: 143026575

This letter is your notification that your appeal has been resolved and your official decision(s) regarding the appealed funding request decision(s) that featured your company's Service Provider Identification Number (SPIN).

The Funding Commitment Report (report) that follows this Revised FCDL contains a list of items that were included in your original FCDL. An explanation of the items in the attached report is included in the sample applicant FCDL posted to the SLD section of the USAC web site, and was included in your original FCDL. The report attached to this letter may have been updated. Use this updated information when completing FCC Form 474 or certifying FCC Forms 472. Your customer(s) should use this information when completing and certifying FCC Forms 486 and 472.

This same information is being sent to your customer(s). We urge you to contact your customer(s) to make any necessary arrangements regarding delivery of service and provision of discounts.

IMPLEMENTATION TIMEFRAME:

On June 29, 2001, the Federal Communications Commission (FCC) released an Order extending the implementation period for non-recurring services. Any non-recurring service for which funds are committed in this letter may be delivered and installed up to September 30, 2007, not including extensions. Support for recurring services, however, is available only for services provided during the period of July 01, 2002 through June 30, 2003.

If Forms 486 have not already been submitted for these services provided by this service provider as identified by the SPIN in the attached Funding Report, Forms 486, must be received or postmarked no later than 120 days after the Service Start Date or 120 days after the date of an FCDL that approves funding, whichever is later to receive discounts retroactively to the Service Start Date. If any funding was approved in the original FCDL and any services were provided by the service provider whose SPIN was referenced in the original Funding Report, the deadlines described above are calculated based on the original FCDL. If these services are approved as a result of a SPIN Correction, a new Form 486 will be required to allow invoicing for such services. Invoices for these services must be received or postmarked within 120 days of the date of the Form 486 Notification Letter or within 120 days of the last date to receive service, whichever is later. Work closely with your customers to ensure that Forms 486 and invoice forms are completed in a timely manner.

NEXT STEPS

File your FCC Form 473, Service Provider Annual Certification Form, for this funding year, if you have not already done so, to complete the procedure for submitting invoice forms. Form 473 must be completed each funding year by each service provider, for each separate SPIN, to confirm that the invoice forms submitted by each service provider are in compliance with the FCC's rules governing

the Schools and Libraries Universal Service Support Mechanism.

USAC needs to have current, complete and accurate contact and address information in order to properly make payments to service providers. The FCC Form 498, Service Provider Information Form, is the official form to use to submit or update this information. Please ensure that the information on our web site is accurate, and file the Form 498 if an update is needed.

NON-RECURRING SERVICES: Contract Expiration Date(s) featured on the FCC Form 471 may have passed. The attached report includes the Contract Expiration Dates from the Form 471, if provided, for each FRN. FCC rules grant a limited extension for contracts for non-recurring services. "[C]ontracts for nonrecurring services may be voluntarily extended to coincide with the appropriate deadline for the implementation [of delivery and installation for nonrecurring services]. Parties may not, however, extend other contractual provisions beyond the dates established by the Commission's rules without complying with the competitive bidding process." [FCC 01-195, released June 29, 2001]. In other words, if an applicant is granted an extension of time for delivery and installation of non-recurring services, the applicant may extend the relevant contract without rebidding. If this is true for your customer, you should first negotiate a contract extension. Your customer must then file an FCC Form 500, Adjustment to Funding Commitment and Modification to Receipt of Service Confirmation Form to notify the SLD of the new Contract Expiration Date. After Form 500 has been submitted by your customer and successfully data entered, they can file the Form 486 with the SLD and you can begin invoicing the SLD for approved services.

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by the SLD or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) e-mail address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the decision letter and the decision you are appealing:
 - appellant name,
 - applicant or service provider name, if different than appellant,
 - applicant BEN and service provider SPIN,
 - application number as assigned by USAC,
 - name of the letter and funding year - both are located at the top of the letter, AND
 - the exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by the SLD's decision. If you are a service provider, please provide a copy of your appeal to the applicant affected by the SLD's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to the SLD by e-mail, use the "Submit a Question" feature on the web site at www.sl.universalservice.org. Click "Continue," choose "Appeals" from the Topics Inquiry on the lower portion of your screen, and click "Go" to begin your appeal submission. The system will prompt you through the process. The SLD will automatically reply to incoming e-mails to confirm receipt.

To submit your appeal to the SLD by fax, fax your appeal to (973) 599-6542.

To submit your appeal to the SLD on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should

refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our web site. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT
Service Provider Name: Independent Computer Maintenance, LLC
SPIN: 143026575

Name of Billed Entity: NEW VISIONS ACADEMY
Billed Entity Address: 739 SOUTH 20TH STREET
Billed Entity City: NEWARK
Billed Entity State: NJ
Billed Entity Zip: 07103
Billed Entity Number: 223454
Name of Contact Person: KATHY GREEN
Preferred Mode of Contact: PHONE
Contact Information: (973) 399-7829
Form 471 Application Number: 309196
Funding Request Number: 808684
Funding Status: Not Funded
Category Of Service: INTERNET ACCESS
Form 470 Application Number: 842960000400898
Contract Number: 10702
Billing Account Number: N/A
Service Start Date: 07/01/2002
Contract Expiration Date: 06/30/2003
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-Discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$19,875.00
Pre-Discount Amount: \$19,875.00
Applicant's Discount Percentage Approved by SLD: N/A
Funding Commitment Decision: \$.00 - ~~Insufficient documentation provided sufficient~~
Funding Commitment Decision Explanation: ~~Insufficient documentation provided sufficient~~

Applicant Revised FCDL Letter Date: 02/21/2007
Appeal Wave Number: A33

Name of Billed Entity: NEW VISIONS ACADEMY
Billed Entity Address: 739 SOUTH 20TH STREET
Billed Entity City: NEWARK
Billed Entity State: NJ
Billed Entity Zip: 07103
Billed Entity Number: 223454
Name of Contact Person: KATHY GREEN
Preferred Mode of Contact: PHONE
Contact Information: (973) 399-7829
Form 471 Application Number: 309196
Funding Request Number: 808684
Funding Status: Not Funded
Category Of Service: INTERNET ACCESS
Form 470 Application Number: 842960000400898
Contract Number: 10703
Billing Account Number: N/A
Service Start Date: 07/01/2002
Contract Expiration Date: 06/30/2003
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-Discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$6,360.00
Pre-Discount Amount: \$6,360.00
Applicant's Discount Percentage Approved by SLD: N/A
Funding Commitment Decision: \$.00 - ~~Insufficient documentation provided sufficient~~
Funding Commitment Decision Explanation: ~~Insufficient documentation provided sufficient~~

Applicant Revised FCDL Letter Date: 02/21/2007
Appeal Wave Number: A33

FUNDING COMMITMENT REPORT
Service Provider Name: Independent Computer Maintenance, LLC
SPIN: 143026575

Name of Billed Entity: NEW VISIONS ACADEMY
Billed Entity Address: 739 SOUTH 20TH STREET
Billed Entity City: NEWARK
Billed Entity State: NJ
Billed Entity Zip: 07103
Billed Entity Number: 223454
Name of Contact Person: KATHY GREEN
Preferred Mode of Contact: PHONE
Contact Information: (973) 399-7829
Form 471 Application Number: 309196
Funding Request Number: 803/55
Funding Status: Not Funded
Category Of Service: INTERNAL CONNECTIONS
Form 470 Application Number: 842960000400898
Contract Number: 10704
Billing Account Number: N/A
Service Start Date: 07/01/2002
Contract Expiration Date: 06/30/2003
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-Discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$38,160.00
Pre-Discount Amount: \$38,160.00
Applicant's Discount Percentage Approved by SLD: N/A
Funding Commitment Decision: \$.00 - [REDACTED]
Funding Commitment Decision Explanation: [REDACTED]
[REDACTED]
Applicant Revised FCDL Letter Date: 02/21/2007
Appeal Wave Number: A33

Name of Billed Entity: NEW VISIONS ACADEMY
Billed Entity Address: 739 SOUTH 20TH STREET
Billed Entity City: NEWARK
Billed Entity State: NJ
Billed Entity Zip: 07103
Billed Entity Number: 223454
Name of Contact Person: KATHY GREEN
Preferred Mode of Contact: PHONE
Contact Information: (973) 399-7829
Form 471 Application Number: 309196
Funding Request Number: 803/55
Funding Status: Not Funded
Category Of Service: INTERNAL CONNECTIONS
Form 470 Application Number: 842960000400898
Contract Number: 10705
Billing Account Number: N/A
Service Start Date: 04/01/2003
Contract Expiration Date: 06/30/2003
Number of Months Recurring Service Provided in Funding Year: 3
Annual Pre-Discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$51,940.00
Pre-Discount Amount: \$51,940.00
Applicant's Discount Percentage Approved by SLD: N/A
Funding Commitment Decision: \$.00 - [REDACTED]
Funding Commitment Decision Explanation: [REDACTED]
[REDACTED]
Applicant Revised FCDL Letter Date: 02/21/2007
Appeal Wave Number: A33

FUNDING COMMITMENT REPORT
Service Provider Name: Independent Computer Maintenance, LLC
SPIN: 143026575

Name of Billed Entity: NEW VISIONS ACADEMY
Billed Entity Address: 739 SOUTH 20TH STREET
Billed Entity City: NEWARK
Billed Entity State: NJ
Billed Entity Zip: 07103
Billed Entity Number: 223454
Name of Contact Person: KATHY GREEN
Preferred Mode of Contact: PHONE
Contact Information: (973) 399-7829
Form 471 Application Number: 309196
Funding Request Number: 803806
Funding Status: Not Funded
Category Of Service: INTERNAL CONNECTIONS
Form 470 Application Number: 842960000400898
Contract Number: 10706
Billing Account Number: N/A
Service Start Date: 04/01/2003
Contract Expiration Date: 06/30/2003
Number of Months Recurring Service Provided in Funding Year: 3
Annual Pre-Discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$83,888.40
Pre-Discount Amount: \$83,888.40
Applicant's Discount Percentage Approved by SLD: N/A
Funding Commitment Decision: \$ 00 - [REDACTED]
Funding Commitment Decision Explanation: [REDACTED]
documentation of [REDACTED]

Applicant Revised FCDL Letter Date: 02/21/2007
Appeal Wave Number: A33

Name of Billed Entity: AL-GHAZALI ELEMENTARY SCHOOL
Billed Entity Address: 17 PARK STREET
Billed Entity City: JERSEY CITY
Billed Entity State: NJ
Billed Entity Zip: 07304
Billed Entity Number: 208838
Name of Contact Person: ASHRAF EISA
Preferred Mode of Contact: PHONE
Contact Information: (973) 785-2300
Form 471 Application Number: 310917
Funding Request Number: 809485
Funding Status: Not Funded
Category Of Service: INTERNAL CONNECTIONS
Form 470 Application Number: 146220000396679
Contract Number: 10746
Billing Account Number: N/A
Service Start Date: 05/07/2003
Contract Expiration Date: 09/30/2003
Number of Months Recurring Service Provided in Funding Year: 2
Annual Pre-Discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$79,500.00
Pre-Discount Amount: \$79,500.00
Applicant's Discount Percentage Approved by SLD: N/A
Funding Commitment Decision: [REDACTED]
Funding Commitment Decision Explanation: Documentation among applicants using this
service provider indicates inappropriate service provider involvement in the
competitive bidding process.

Applicant Revised FCDL Letter Date: 02/21/2007
Appeal Wave Number: A33

Enclosure C



INDEPENDENT COMPUTER MAINTENANCE LLC

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www.icmcorporation.com

By Facsimile (973) 599-6542 and UPS

April 9, 2007

Letter of Appeal
The Universal Service Administrative Company
Schools and Libraries Division
P.O. Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, New Jersey 07981

Re: APPEAL OF REVISED FUNDING COMMITMENT DECISION LETTER
FUNDING YEAR: 2002: 07/01/2002 – 06/30/2003
SPIN: 143026575
FORM 471 APPLICATION NUMBERS: 309196 AND 310917
APPLICANT NAMES: New Visions Academy and Al-Ghazaly Elementary School
APPLICANT CONTACT FOR NEW VISIONS ACADEMY: Kathy Green
APPLICANT CONTACT FOR AL-GHAZALY ELEMENTARY SCHOOL: Ashraf Eisa
BILLED ENTITY NAMES: New Visions Academy and Al-Ghazaly Elementary School
BILLED ENTITY NUMBER NEW VISIONS ACADEMY: 223454
BILLED ENTITY NUMBER AL-GHAZALY ELEMENTARY SCHOOL: 208838
BILLED ENTITY AND APPLICANT CONTACT PHONE NO. NEW VISIONS ACADEMY: (973) 399-7829
BILLED ENTITY AND APPLICANT CONTACT PHONE NO. AL-GHAZALY ELEMENTARY SCHOOL: (973) 785-2300
SERVICE PROVIDER: Independent Computer Maintenance, LLC
SERVICE PROVIDER IDENTIFICATION NO.: 143026575
SERVICE PROVIDER CONTACT PERSON: Anthony Natoli
SERVICE PROVIDER CONTACT PHONE NO.: (973) 916-1800
SERVICE PROVIDER FAX NO.: (973) 916-1986
SERVICE PROVIDER E-MAIL: TONYN@ICM CORPORATION.COM

Enclosure A: Copy of Revised Funding Commitment Decision Letter from Universal Service Administration Company dated February 21, 2007.

Enclosure B: Copy of ICM's Letter of Appeal to the FCC dated on December 8, 2004 (without Enclosures).

Enclosure C: Copy of ICM's Letter of Appeal to the FCC dated April 25, 2005 (without enclosures).

Enclosure D: Copy of FCC Proceeding Number FCC06-55, May 19, 2006 and Order under CC Docket No. 02-6 adopted May 2, 2006 and released May 19, 2006.

Since 1985

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The Universal Service Administrative Company
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Gentlemen:

NOTICE OF APPEAL

Please accept this letter and its enclosures as Independent Computer Maintenance, LLC's ("ICM") appeal of your Revised Funding Commitment Decision Letter dated February 21, 2007 reducing to \$0 the Funding Commitment Decision for the Funding Request Numbers ("FRNs") set forth below. A copy of that Funding Commitment Decision Letter and the attached Funding Commitment Reports are annexed hereto as Enclosure A.

FACTS

The Revised Funding Commitment Decision Letter dated February 21, 2007 concerning the above referenced Form 471 Application Numbers and SPIN advised ICM of Universal Service Administrative Company's ("USAC") decision to reduce the Funding Commitments to \$0 for the following Funding Request Numbers:

<u>Funding Request Number</u>	<u>Applicant</u>
803634	New Visions Academy
803671	New Visions Academy
803707	New Visions Academy
803755	New Visions Academy
803806	New Visions Academy
809405	Al-Ghazaly Elementary School

The Funding Commitment Decision Explanation given for the five New Visions Academy FRNs (hereinafter "NVA FRNs") was "Applicant has not provided sufficient documentation to determine eligibility of this item". The Funding Commitment Decision Explanation given for the one Al-Ghazaly Elementary School FRN (hereinafter "AES FRN") was "Documents among applicants using this service provider indicates inappropriate service provider involvement in the competitive bidding process."

Previously, by Commitment Adjustment Letter dated March 16, 2004, the USAC "rescinded in full" the NVA FRNs because there was an indication that "the vendor was improperly involved in the competitive bidding process". ICM appealed that decision to the USAC Administrator, who denied ICM's appeal and on December 8, 2004, ICM appealed that denial to the Federal Communications Commission ("FCC"). A copy of ICM's appeal (without Enclosures) is annexed hereto as Exhibit B.

Similarly, by Commitment Adjustment Letter dated July 29, 2004, the USAC "rescinded in full" the AES FRN because there was an indication that "the vendor was improperly involved in the competitive bidding process". ICM appealed that decision to the USAC Administrator, who denied ICM's appeal and on April 25, 2005, ICM appealed that denial to the Federal

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Communications Commission ("FCC"). A copy of ICM's appeal (without Enclosures) is annexed hereto as Exhibit C.

On May 2, 2006 the FCC adopted in Proceeding Number FCC-06-55, May 19, 2006 an Order under CC Docket No. 02-6, granting the appeal of ICM (with respect to a number of ICM Applications including Application 309196 relating to the NVA FRNs and Application 310917 relating to the AES FRN set forth above) and 29 other entities. This Order found that the "USAC denied the requests for funding without sufficiently determining that the service providers improperly participated in the applicant's bidding process." (Page 3 ¶6 of the Order). It further ordered the USAC to "Complete its review of each remanded application (and issue an award or a denial based on a complete review and analysis) listed in the Appendix no later than 120 days from the release of this Order." (Page 4 ¶7 of the Order). Applications 309196 and 310917 with contained NVA FRNs and the AES FRN were listed in the Appendix. (See pages 6 and 7). A copy of the FCC's Order is annexed hereto as Enclosure D. More than 120 days have expired since the FCC issued its Order. The USAC has neither obtained an extension of the deadline in the Order, nor has it issued an award or denial of ICM's application.

ARGUMENT

With respect to the NVA FRNs, upon receipt of the Revised Funding Commitment Letter, ICM contacted the New Visions Academy and learned that Kathy Green was no longer employed by that Applicant. Furthermore, it appeared that no other person there had any knowledge of what documentation Applicant failed "to provide" so that the USAC could "determine the eligibility of this item." ICM has no knowledge of any such document deficiency and the first time ICM heard of any such problem was when it received the Revised Funding Commitment Letter in late February of 2007. The USAC never asked ICM for any further documents in the more than three years since ICM rendered the goods and services to New Visions Academy. Given the fact that ICM was not a party to any USAC document request and had furnished all of the documentation required of it more than three years ago, it is unreasonable to have ICM bear the burden of any alleged failure of New Visions Academy to respond to any such request and to defend this matter at such a late date. Furthermore, given the fact that these actions come on the heels of an unsuccessful action by the USAC to invalidate these same FRNs utilizing different grounds found to be insufficient by the FCC, these actions by the USAC are highly suspect. To deny ICM payment at this late date based upon apparently recently fabricated reasons is unconscionable. Notwithstanding the foregoing, if there are any documents that ICM has in its possession that it can provide to resolve this matter, it would be glad to do so.

With respect to the AES FRN, as set forth in the Fact section above, the FCC on May 2, 2006 adopted in Proceeding FCC-06-05, May 19, 2006 an Order under CC Docket No. 02-6, granting the appeal of ICM (with respect to a number of ICM Applications including Application 310917 relating to the AES FRN set forth above); finding that the "USAC denied the requests for funding without sufficiently determining that the service providers improperly participated in the applicant's bidding process." (Page 3 ¶6 of the Order). It further ordered the USAC to "Complete its review of each remanded application (and issue an award or a denial based on a complete

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review and analysis) listed in the Appendix no later than 120 days from the release of this Order." (Page 4 ¶7 of the Order). Application 310917 with contained the AES FRN were listed in the Appendix. (See page 6). More that 120 days have expired since the FCC issued its Order. The USAC has neither obtained an extension of the deadline in the Order, nor has it issued an award or denial of ICM's application. At this late date the USAC is barred by the terms of the FCC order and estoppel from raising this alleged "improper" procurement issue concerning the AES FRN.

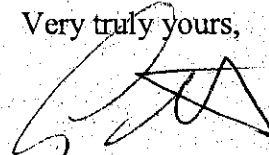
CONCLUSION

For the reasons set forth above, ICM hereby requests that the decision to reduce the Funding Commitments to \$0 for the NVA FRNs and the AES FRN be reversed and a new Revised Funding Commitment Decision Letter be issued reinstating the full funding commitments.

If you have any further questions concerning this matter, please contact the undersigned or our Counsel, Gary Marcus of the law firm, Gary Marcus, Attorney at Law, P.C. 600 Old Country Road, Garden City, NY 11530. (516) 301-7776.

Thank you for giving this your immediate attention.

Very truly yours,



Anthony Natoli
President
Independent Computer Maintenance, LLC

cc: New Visions Academy
Al-Ghazaly Elementary School

Enclosure D



INDEPENDENT COMPUTER MAINTENANCE LLC

SALES • COMMUNICATIONS • CONSULTING • VOICE & DATA SOLUTIONS

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April 25, 2005

By Fax: 202-418-0187
and Federal Express

Letter of Appeal
Federal Communications Commission
Office of the Secretary
445 - 12th Street, S.W.
Washington, DC 20554

REQUEST FOR REVIEW

Re: **APPEAL OF (1) COMMITMENT ADJUSTMENT LETTER
AND (2) SUBSEQUENT DENIAL OF SAID APPEAL BY
THE SCHOOLS AND LIBRARIES DIVISION OF THE
UNIVERSAL SERVICE ADMINISTRATIVE COMPANY
CC DOCKET NO.: 02-6
FUNDING YEAR: 2002 - 2003
FUNDING REQUEST NO.: 809405
FORM 471 APPLICATION NUMBER: 310917
APPLICANT NAME: Al-Ghazaly Elementary School
APPLICANT CONTACT: Ashraf Eisa
BILLED ENTITY NAME: Al-Ghazaly Elementary School
BILLED ENTITY NUMBER: 208838
BILLED ENTITY AND APPLICANT
CONTACT PHONE NO. (973) 785-2300
SERVICE PROVIDER: Independent Computer Maintenance, LLC
SERVICE PROVIDER IDENTIFICATION NO.: 143026575
SERVICE PROVIDER CONTACT PERSON: Anthony Natoli
SERVICE PROVIDER CONTACT PHONE NO.: (973) 916-1800
SERVICE PROVIDER FAX NO.: (973) 916-1986
SERVICE PROVIDER E-MAIL:
TONYN@ICM CORPORATION.COM**

**Enclosure 1: Copy of Administrator's Decision on Appeal -
Funding Year 2002 - 2003, for Al-Ghazaly Elementary
School, dated March 3, 2005.**

**Enclosure 2: Copy of Supplement to Appeal dated November 23,
2004.**

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Enclosure 2: Copy of Supplement to Appeal dated November 23, 2004.

A. Copy of Commitment Adjustment Letter from Universal Service Administrative Company dated July 29, 2004.

B. Copy of ICM's Appeal of the Commitment Adjustment Letter dated September 3, 2004.

C. Copy of FCC Decision entitled "In Re Federal-State Joint Board on Universal Service; et al." Adopted on July 23, 2004.

Gentlemen:

NOTICE OF APPEAL

Please accept this letter and its enclosures as Independent Computer Maintenance, LLC's ("ICM") appeal of the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") Administrator's Decision on Appeal - Funding Year 2002-2003, dated March 3, 2005. Said decision denied in full ICM's appeal of USAC's Commitment Adjustment Letter dated July 29, 2004, which letter rescinded in full the Funding Request Numbers ("FRNs") set forth below. A copy of USAC's Administrator's Decision on Appeal - Funding Year 2002-2003 dated March 3, 2005, is annexed hereto as Enclosure 1. A copy of ICM's Supplement to Appeal dated November 23, 2004 is annexed as Enclosure 2. A copy of ICM's Appeal to the USAC dated September 3, 2004, is annexed hereto as Enclosure 2B.

FACTS

By a Commitment Adjustment Letter dated July 29, 2004, USAC advised ICM that, under the above-referenced Form Application Number, the commitment amount for the following FRN's are "rescinded in full" and requested the recovery of the funds to the extent indicated below:

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Funding Request Number ("FRN")

809405

Requested Recovery

\$ 71,550.00

The USAC's July 29, 2004 Commitment Adjustment decision was justified by USAC because:

"The results of a Selective Review found similarities in Forms 470, in selective review responses, and in technology plans seen amongst applicants using this service provider suggests service provider involvement in the competitive bidding process. As a result, the entire committed amount will be rescinded and recovery will be necessary for disbursed funds."

(A copy of the July 29, 2004 Commitment Adjustment Letter is annexed as Enclosure 2A).

On September 3, 2004, ICM submitted its Letter of Appeal with respect to the aforesaid Commitment Adjustment Letter citing a number of reasons why the proposed Commitment Adjustment was improper and wrong, including the fact that ICM had no contact with the applicant, Al-Ghazaly Elementary School, during the period the Form 470 and Technology Plan in question was prepared or filed. On November 23, 2004, ICM supplemented its submittal of September 3, 2004 by bringing to USAC's attention the holding of In Re Federal-State Joint Board of Universal Service, et al., 19 FCC Rcd 15252 adopted on July 23, 2004 [hereinafter "*In re Federal-State*"].

By letter dated March 3, 2005, the USAC issued an Administrator's Decision of Appeal - Funding Year 2002-2003, denying in full ICM's appeal.

The Administrator's Decision of Appeal - Funding Year 2002-2003 cites the following reasons for its rejection of ICM's appeal:

"SLD denied your funding request(s) because it determine that similarities in the Form 470, technology plan, and selective review responses among applicants associated with this vendor indicate that the vendor was improperly involved in the competitive bidding and/or vendor selection process. In your appeal, you have not shown that SLD's